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Department of Water Resources

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DISTRICT COURT-SRBA
TWIN FALLS CO., IDAHO
FILED _____

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case No. 39576

)
) Subcase 36-00136B
) (Salmon Falls Land & Livestock Co., Inc.)
)
) SPECIAL MASTER REPORT

Findings of Fact

The Director of the Idaho Department of Water Resources filed his *Director's Report, Part I, for Reporting Area 3 (Basin 36)* on November 2, 1992. The Director recommended the claim to Salmon Falls Land and Livestock for 3.33 cfs from Upper Tucker Springs to irrigate 157.5 acres from March 15 to November 15 with a priority date of October 1, 1908, based on a decree.

Salmon Falls filed an *Objection* on April 29, 1993, objecting to quantity, remarks and "other." On March 27, 1998, the Special Master entered an *Order Granting Motion to File Amended Notices of Claims* allowing the claimant to add year-round stockwater, wildlife, recreation and aesthetic uses to the claim. On December 30, 1998, another similar order was entered allowing Salmon Falls to amend the number of acres claimed.

IDWR filed its *Amended Director's Report* on June 10, 2002, recommending 36-00136B to Salmon Falls Land & Livestock Company, Inc., 123 Bell Rapids Road, Hagerman, Idaho 83332, for 6.6 cfs from Upper Tucker Springs for year-round stockwater and wildlife uses and for irrigation of 171 acres in Twin Falls County from February 15 to November 30 with a priority date of October 1, 1908. On June 27, 2002, the United States of America, Department of Interior, Bureau of Land Management filed an *Objection* to place of use.

On March 25, 2003, Salmon Falls, the United States and IDWR filed a *Standard Form 5* agreeing to the claim as described in the *Amended Director's Report*, except for an amended

irrigation place of use (170.4 acres). On April 8, 2003, the State of Idaho advised the SRBA Court that it had no objection to the *SF-5*.

Conclusions of Law

Salmon Falls Land & Livestock Company, Inc., is entitled to a partial decree adjudicating a water right as described in the *SF-5* and the attached *Special Master Recommendation for Partial Decree for Water Right 36-00136B*.

DATED April 16, 2003.



TERRENCE A. DOLAN
Special Master
Snake River Basin Adjudication

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA)
) PARTIAL DECREE PURSUANT TO
) I.R.C.P. 54(b) FOR
Case No. 39576)
)
) Water Right 36-00136B

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NAME AND ADDRESS: SALMON FALLS LAND & LIVESTOCK
CO, INC.
123 BELL RAPIDS ROAD
HAGERMAN, ID 83332

SOURCE: UPPER TUCKER SPRINGS TRIBUTARY: RILEY CREEK

QUANTITY: 6.60 CFS

USE OF THIS RIGHT WITH RIGHT NO. 36-02046 IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 6.60 CFS.
USE OF THIS RIGHT WITH RIGHT NO. 36-136A IS LIMITED TO A TOTAL
COMBINED DIVERSION RATE OF 8.0 CFS.

PRIORITY DATE: 10/01/1908

POINT OF DIVERSION: T07S R13E S36 NWSWE Within Gooding County

PURPOSE AND
PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE
Irrigation	02-15 TO 11-30
Stockwater	01-01 TO 12-31
Wildlife	01-01 TO 12-31

QUANTITY
6.60 CFS
0.30 CFS
6.60 CFS

PLACE OF USE:

Irrigation

T08S R13E S01 LOT 5	(SWNW) 2.9
S02	SWNE 17.0
LOT 4	(NWNW) 0.3
	SENE 24.0
	NESE 5.2
S03 LOT 1	(NENE) 5.5
	SENE 39.0

170.4 Acres Total

Within Twin Falls County

NWSW 8.1
SENE 22.0
SWNW 37.0
NWSW 2.5

Stockwater

T08S R13E S01 LOT 5	(SWNW)
S02	SWNE
LOT 4	(NWNW)
	SENE
	NESE
S03 LOT 1	(NENE)
	SENE

Within Twin Falls County

NWSW
SENE
SWNW
NWSW

Wildlife

T08S R13E S01 LOT 5	(SWNW)
S02	SWNE
LOT 4	(NWNW)
	SENE
	NESE
S03 LOT 1	(NENE)
	SENE

Within Twin Falls County

NWSW
SENE
SWNW
NWSW

USE OF THIS RIGHT WITH RIGHT NO. 36+2046 IS LIMITED TO THE
IRRIGATION OF A COMBINED TOTAL OF 170.4 ACRES IN A SINGLE
IRRIGATION SEASON.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

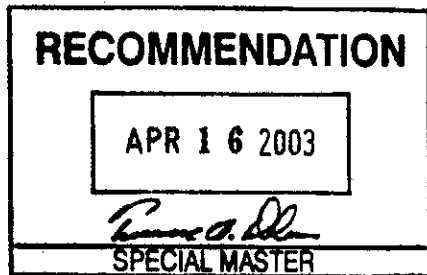
SRBA Partial Decree Pursuant to I.R.C.P. 54(b) (continued)

OTHER PROVISIONS (continued)

THIS PARTIAL DECREE IS SUBJECT TO SUCH GENERAL PROVISIONS
NECESSARY FOR THE DEFINITION OF THE RIGHTS OR FOR THE EFFICIENT
ADMINISTRATION OF THE WATER RIGHTS AS MAY BE ULTIMATELY
DETERMINED BY THE COURT AT A POINT IN TIME NO LATER THAN THE
ENTRY OF A FINAL UNIFIED DECREE. I.C. SECTION 42-1412(6).

RULE 54(b) CERTIFICATE

With respect to the issues determined by the above judgment or order, it is hereby CERTIFIED, in accordance with Rule 54(b), I.R.C.P., that the court has determined that there is no just reason for delay of the entry of a final judgment and that the court has and does hereby direct that the above judgment or order shall be a final judgment upon which execution may issue and an appeal may be taken as provided by the Idaho Appellate Rules.



Roger Burdick
Presiding Judge of the
Snake River Basin Adjudication

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In Re SRBA)

Case No. 39576)
_____)

CERTIFICATE OF MAILING

Water Right(s): 36-00136B

CERTIFICATE OF MAILING

I certify that a true and correct copy of the SPECIAL MASTER'S REPORT, SPECIAL MASTER'S RECOMMENDATION FOR PARTIAL DECREE and NOTICE OF ISSUANCE OF SPECIAL MASTER'S REPORT AND RECOMMENDATION were mailed on April 16, 2003, with sufficient first-class postage prepaid to the following:

DIRECTOR OF IDWR
PO BOX 83720
BOISE, ID 83720-0098

STATE OF IDAHO

Represented by:
CLIVE STRONG
NATURAL RESOURCES
DEP AG OFFICE OF ATTY GEN
STATEHOUSE MAIL
BOISE, ID 83720-0010
Phone: 208-334-2400

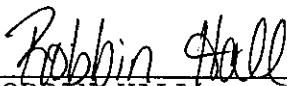
SALMON FALLS LAND & LIVESTOCK

Represented by:
ROGER D LING
PO BOX 396
RUPERT, ID 83350
Phone: 208-436-4717

CERTIFICATE OF MAILING

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04/16/03

UNITED STATES OF AMERICA BLM
Represented by:
US DEPARTMENT OF JUSTICE
ENVIRONMENT & NATL' RESOURCES
550 WEST FORT STREET, MSC 033
BOISE, ID 83724



ROBBIN HALL
Deputy Clerk

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Case No. 39576)
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NOTICE OF ISSUANCE OF
SPECIAL MASTER'S
RECOMMENDATION

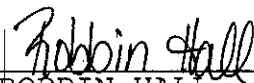
Water Right(s): 36-00136B

On April 16, 2003, Special Master TERRENCE A. DOLAN issued a SPECIAL MASTER'S RECOMMENDATION for the above subcase(s) pursuant to SRBA Administrative Order 1 (AO1), Section 13a.

Pursuant to SRBA Administrative Order 1, Section 13a, any party to the adjudication including parties to the subcase, may file a Motion to Alter or Amend on or before the 28th day of the next month.

Failure of any party in the adjudication to pursue or participate in a Motion to Alter or Amend the SPECIAL MASTER'S RECOMMENDATION shall constitute a waiver of the right to challenge it before the Presiding Judge.

DATED April 16, 2003.



ROBBIN HALL
Deputy Clerk